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Date: January 30, 2004

Alice Sutanandi
Alice Sutanandi

PATENT
843161-316

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: KRISHNAMURTHY et al.

Art Unit:

Serial No.: 10/693,710

Filed: October 23, 2003

Examiner:

Title: SYSTEM AND METHOD FOR
PROVIDING A PERSISTENT POWER MASK

PETITION FOR CORRECTION OF FILING DATE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.10(d), Applicants hereby petition the Commissioner to correct an incorrect filing date that was accorded by the U.S. Patent and Trademark Office ("USPTO") on the Postcard.

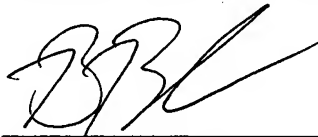
The Filing Date/Serial Number stamped on the Postcard (copy attached hereto) that was received from the USPTO on November 7, 2003, reflects a filing date of October 27, 2003. In contrast, the "date-in" section of the Express Mail mailing label (copy attached hereto), reflects the actual date of deposit with the USPS of October 23, 2003. The attached Express Mail mailing label specifically references the present patent application bearing the notation "843161-316/Brian M. Berliner" which corresponds to the present attorney docket number and the attorney's name. It is therefore Applicants' belief that the USPTO subsequently erred by entering the incorrect filing date of October 27, 2003 on the Postcard, and that the date of October 23, 2003 should properly have been entered.

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January 30, 2004
Page 2

Under 37 C.F.R. § 1.10(d), applicants may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been actually deposited with the USPS by showing that the "date-in" on the Express Mail mailing label was entered incorrectly by the USPTO. The foregoing facts and evidence are deemed sufficient to satisfy the required showing. Applicants affirm that it has filed this instant petition promptly after becoming aware that the USPTO had accorded a filing date incorrectly. In addition, Applicants confirm that they included the Express Mail Label Number on the application papers and fees that constituted the submitted correspondence. Finally, the Applicants enclose with this petition a true copy of the USPS Express Mail Label showing the actual time and date of deposit of the application with the USPS. Accordingly, Applicants respectfully petition the Commissioner to accord the submitted correspondence a filing date of October 23, 2003.

While the Applicants believe that no fees are due in connection with the filing of the paper, the Commissioner of Patents is authorized to charge any amount due, or credit any overpayment, to Deposit Account No. 50-0639.

Respectfully submitted,



Brian M. Berliner
Attorney for Applicants
Registration No. 34,549

Date: January 30, 2004

O'MELVENY & MYERS LLP
400 So. Hope Street
Los Angeles, CA 90071-2899
Telephone: 213-430-6000

Enclosure: Copy of USPS Express Mail Label
Copy of Postcard with USPTO stamped serial number/filing date



BRIAN M. BERLINER

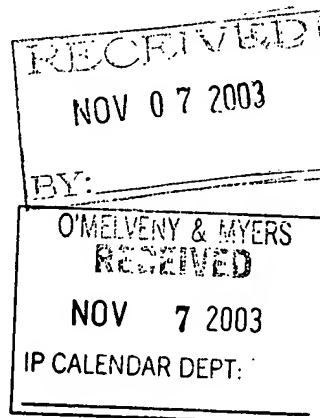
Serial No.: _____ Attorney: JASUEH Mailing Date: 10-23-2003
Client: SUN MICROSYSTEMS Our Ref. No.: 843161-316
Title/Mark: _____
Applicant(s): KRISHNANURTHY & DEL PATTI
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